

# ***EXHIBIT 1***

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

TEXAS GUARANTEED STUDENT  
LOAN CORPORATION,  
Plaintiff,

-against-

MERCER STREET BOOKS, INC.,  
Defendant.

x

06-CV-11495(WHP) (THK)

**CLERK'S CERTIFICATE**

x

I, J. MICHAEL MCMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on **October 31, 2006** with the filing of a summons and complaint, a copy of the summons and complaint was served on defendant by serving **Wayne T. Conti**, C.E.O. of Mercer Street Books, Inc., **IN HAND** and proof of such service was thereof filed on **November 8, 2006**.

I further certify that the docket entries indicate that the defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of the defendant is hereby noted.

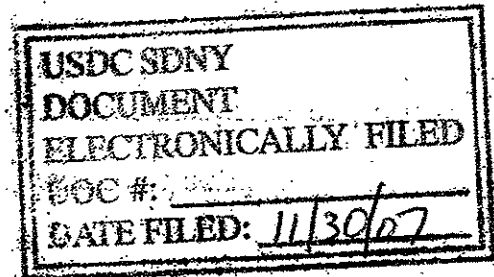
Dated: New York, New York

11/30/07

**J. MICHAEL MCMAHON**  
Clerk of the Court

By:   
Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



TEXAS GUARANTEED STUDENT  
LOAN CORPORATION,  
Plaintiff,  
V.  
MERCER STREET BOOKS, INC.,  
Defendant.

CIVIL ACTION NO.  
06-CV-11495(WHP) (THK)  
(ECF Case)

**AFFIDAVIT IN SUPPORT OF ENTRY OF DEFAULT AGAINST  
MERCER STREET BOOKS**

STATE OF CONNECTICUT )  
 ) ss: Bridgeport  
COUNTY OF FAIRFIELD )

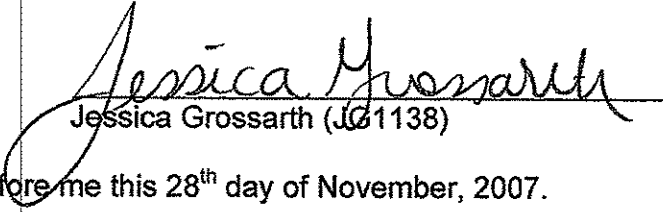
Jessica Grossarth, being duly sworn, hereby deposes and says:

1. I am the attorney for the Plaintiff in the above-numbered and styled action.
2. The Complaint was filed by the Plaintiff against Mercer Street Books ("Defendant") with this Court on October 31, 2006.
3. A Summons was issued in this proceeding on October 31, 2006, setting a date to answer or respond for November 27, 2006.
4. The Summons and Complaint were properly served on the Wayne T. Conti, C.E.O. of the Defendant, in hand on November 6, 2006.

5. The Plaintiff filed an Affidavit of Service with this Court on November 8, 2006.

6. The time within which the Defendant may answer or otherwise respond to the Complaint has expired and the Defendant has failed to answer or otherwise respond to the Complaint.

7. The Defendant is not in the military and is not an infant or incompetent person.

  
Jessica Grossarth (JC1138)

Subscribed and Sworn to before me this 28<sup>th</sup> day of November, 2007.



Carol A. McConnell

Notary Public

My Commission Expires: 8/31/08

Bridgeport/71256.1/JXG/662213v1

Carol A. McConnell  
Notary Public  
State of Connecticut  
My Commission Expires August 31, 2008